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EXAMINER
RHODES, J

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2762	2

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*See attached non-final office
action*

Office Action Summary

Application No.

08/655,136

Applicant(s)

Bruce Tognazzini

Examiner

Jason Rhodes

Group Art Unit

2762



☒ Responsive to communication(s) filed on May 30, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

Claim Objections

1. The claims are objected to because they lack a proper introduction. The present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim", "The invention claimed is" (or the equivalent). MPEP § 608.01(m).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al.

claim 13

Weiss discloses a method of sending information related to a telephone purchase comprising the step of:

"recording information from the customer in digital form."

Weiss discloses that the user information needed by the service computer for identification and authorization is stored by the network host computer, inherently in digital form (col. 25 lines 20-41).

claims 15-17

Weiss discloses a system for sending and receiving orders for goods comprising:

"a telephone at a customer site having a customer memory for storing and sending information." See the abstract of Weiss.

"a telephone at a seller site having a seller memory and a display for respectively storing information, provided by the customer, ...in the seller memory." Weiss discloses that the seller sites (e.g., banks and airline ticket sellers - col. 24 lines 9-19) comprise service computers which is connected to a network host via telephone lines (col. 23 lines 12-28). It was well known in the art at the time the invention was made for such service computers to contain fax/modem cards enabling the computer to function as a telephone. It is inherent that the seller, such as an airline ticket seller, records the information in the service computer memory.

"a telephone network connecting the telephone at a customer site with the telephone at a seller site while an order for goods is placed." Weiss discloses that the customer telephone is connected to the network host computer which is connected to the seller service computer via a telephone network (Fig. 19 and col. 23 lines 29-51).

claims 13, 15-17 are obvious

Weiss discloses the claimed invention except for having the customer information keyed in by personnel and sending the

information in the seller memory back to the customer for storage. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have personnel key in the customer information since it was known in the art that many customer prefers to interact and give information to a person rather than a computer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to send the information in the seller memory back to the customer in the form of a confirmation or receipt because the customer will want to check this information to make sure the transaction was processed correctly.

4. Claims 1-4, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. as applied to claims 13 and 15-17, and further in view of Rosen.

claim 1

Weiss discloses an apparatus for sending information to called stations over a telephone line (abstract), comprising:

"a telephone set connected to the line." Weiss discloses a telephone set (Fig. 1) which is connected to a telephone line (abstract).

"a data interface connected to the line." Weiss discloses a modem which is connected to the telephone line (Fig. 11, and col. 10 lines 25-28) which inherently acts as a data interface.

"a card reader for reading card information and sending it to one of the called stations over the data interface." Weiss discloses a card reader (Fig: 11) for use with a smartcard (col. 6 lines 35-38). Weiss discloses that smart card may transmit information from the microprocessor of one telephone-computer to another, such as financial data and bank records (col. 10 lines 46-53). This information would include account numbers that the user would send to a bank service computer, which Weiss discloses as a possible called station (col. 23 lines 52-66).

"data memory for storing information from one of the called stations, including the card information." Weiss discloses a data memory for storing information from the called network host computer (col. 13 lines 52-67). Weiss also discloses that the card information is read into the primary microprocessor of the telephone-computer from the smartcard (col. 6 lines 35-38, and col. 10 lines 49-53) which inherently is stored in a data memory (microprocessor memory - col. 10 lines 33-39).

claims 2-4

"a docking port for receiving a portable device having device memory therein and for transferring information from the data memory to the device memory." Weiss discloses that the smartcard is a device which contains a data memory, and that information from the data memory can be transferred to the smartcard memory (col. 6 lines 35-38, and col. 10 lines 46-53).

The card reader can therefore be interpreted as the claimed docking port. In addition, Weiss discloses parallel and serial ports which support memory storage devices (col. 8 lines 66-68).

"a display for displaying information from the data memory." Weiss discloses a display for displaying information from data memory in column 6, lines 17-25 and 59-62.

"a plurality of data memories and a corresponding plurality of keys for activating the data memories to send information stored in the data memories to another of the called stations." Weiss discloses a plurality of programmable function keys, each of which performs a function such as outputting a set of dial tones (speed dialling) (col. 6 lines 3-6). Each key would therefore correspond to a memory location which stores the number to dial (the examiner interprets a plurality of locations in memory which contain different kinds of information as equivalent to a plurality of memories). It was well known in the art at the time the invention was made to use the programmable function keys to activate the data memories to send data to a called station because dialling numbers on a touch-tone phone is an accepted way of inputting data into automated phone systems.

claim 11

Weiss discloses a method of sending information related to a telephone purchase comprising the step of:

"providing an element for performing the step of storing information received from a seller in memory." Weiss discloses

that the data memory stores information from the network host computer (col. 13 lines 52-67), wherein the information consists of information required by a service computer of a seller (col. 23 lines 12-28 and 43-51).

claims 1-3, 11, and 14 are obvious over Weiss in view of Rosen

Weiss does not disclose the sending of the information received from the called station to another called station. Weiss also does not disclose that the seller checking to see if the customer is equipped memory for storing the information prior to sending the information.

Rosen discloses a system for sending information related to a purchase over a communications network in which electronic money is used (abstract). Rosen discloses that a seller (issuing bank) site transfers electronic notes to a customer site (subscriber's transaction module) (col. 6 lines 48-57). The electronic notes consists of a set of data (col. 19 line 47 - col. 20 line 10) which is stored by the customer in memory (col. 13 lines 6-17). Rosen discloses that the transaction memory module can be embodied as a co-processor in a telephone connected to a network (col. 9 lines 60-65). Rosen discloses that the subscriber may be a customer, or a seller of goods and services (col. 10 lines 26-34). The customer can then send the information comprising the electronic notes to a seller (not necessarily the issuing bank) (col. 49 lines 6-18). Rosen discloses that the transaction money module contains a key for

sending these electronic notes (Fig. 3 - PAY key of wallet). Rosen discloses that during a transaction between money modules, if the receiver does not respond to the transferror's message in a specific time, perhaps due to not being properly equipped to handle the transaction, the transferring module will abort the transaction (col. 13 lines 44-66). Rosen also discloses that the transaction money module can comprise a portable telephone (Fig. 3 and col. 56-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the sending of electronic notes as disclosed by Rosen as the method of payment for telephone purchases in the system disclosed by Weiss because customers would not have to worry about having their credit card account numbers being intercepted by third parties or misused by sellers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a portable device, as disclosed by Rosen, as the element for sending information to a seller in the system of Weiss in order to give the customer the convenience of making purchases from practically any location.

5. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talton in view of Weiss et al.

claim 5

Talton discloses a credit card sized device for sending information to called stations over a telephone line (abstract), comprising:

"a device memory." See the abstract of Talton.

"a converter for converting the information from the device memory into an audible representation of the information."

Talton discloses retrieving means for retrieving data items from memory (claim 1), and converting means for converting the retrieved data into a sequence of audible dialling tones (claim 8).

"a send key for activating the converter; whereby, by activating the send key, the audible representation is presented to a microphone of a telephone set for transmission to at least one of the called stations." Talton discloses that the card's speaker is placed over the mouthpiece of a phone receiver and, that the user can press a long distance dial key, which causes the card to present the tones to the receiver (col. 5 lines 1-7). After a programmed delay, the tones for the account number is sent (col. 5 lines 7-12).

claims 7, 8, 10

"the portable device of claim 5 further comprising a display for showing the contents of the device memory." See col. 4 lines 65-68 of Talton.

"the portable device of claim 5 in which the converter comprises a digital to analog converter and an electro-acoustical

transducer." Talton discloses that the converting means includes a dial tone signal generating means and wave shaper means which takes the digital signals from the memory and converts them into an analog waveform (claim 9). These devices correspond to a digital to analog converter. Talton discloses an audio amplifier which for amplifying the output of the wave shaper, and a speaker driven by the amplifier (claim 9). The speaker corresponds to the electro-acoustical transducer.

"the portable device of claim 5, further comprising a plurality of keys for entering a password prior to loading information into the device." Talton discloses a keyboard which can be used for entering a numerical password (PIN) (abstract and col. 3 lines 10-13). Talton does not explicitly disclose entering the password before loading information into the device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow for the entering of a password before loading information in the device since it was known in the art that such devices contains personal information which a user would not want other people to have access to or to alter.

"the portable device of claim 5, further comprising a plurality of keys for entering a password prior to activating the converter." Talton discloses a keyboard (abstract and Fig. 2) and also discloses that whenever the user wants to use the card as a credit card, he must enter a password (PIN) (col. 3

lines 10-13).

claims 10-15 are obvious over Talton in view of Weiss

Talton does not explicitly disclose a docking port for receiving information from an external memory and loading the information into the device memory. Talton also does not disclose a plurality of memories and a plurality of keys activating the data memories to send information.

Weiss discloses a credit card sized device (smartcard) used for sending information to called stations over a telephone line (col. 29 lines 5-15) comprising a device memory (col. 10 lines 46-49). Weiss discloses user information can be transferred from the memory of a telephone-computer to the smartcard memory (col. 10 lines 46-53). The examiner interprets a docking port as the means for receiving information from an external memory. Therefore, the means of the smartcard which allows it to interface with the smartcard reader (col. 9 lines 42-44) is interpreted as a docking port. Weiss also discloses a plurality of programmable function keys, each of which performs a function such as outputting a set of dial tones (speed dialling) (col. 6 lines 3-6). Each key would therefore correspond to a memory location which stores the number to dial (the examiner interprets a plurality of locations in memory which contain different kinds of information as equivalent to a plurality of memories).

It would have been obvious to one of ordinary skill at the time the invention was made to implement the docking port and method of loading data disclosed by Weiss to the device of Talton in order to avoid having to type all of the phone and account numbers into the device manually.


It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the plurality of keys for activating the sending of different kinds of information, as disclosed by Weiss, to the device of Talton in order to let the user program the keys with the most frequently used numbers and eliminate the need to look for them in memory using the scroll keys.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Rhodes whose telephone number is (703) 305-3942.

Jason Rhodes
February 5, 1998


ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER